

3658. Adulteration and misbranding of so-called Hungarian paprika. U. S. v. Horton-Cato Mfg. Co. Plea of guilty. Fine, \$50. (F. & D. No. 5784. I. S. No. 5689-e.)

On December 14, 1914, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Horton-Cato Mfg. Co., a corporation, Detroit, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 27, 1912, from the State of Michigan into the State of Tennessee, of a quantity of so-called Hungarian paprika, which was adulterated and misbranded. The product was labeled: "Hungarian Paprika. Windsor, Can. The Horton-Cato Mfg. Co., Detroit, Mich."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

|  |       |
|--|-------|
| Ash (per cent)-----                              | 7.80  |
| Ash insoluble in 10 per cent HCl (per cent)----- | 0.67  |
| Ether extract (per cent)-----                    | 16.74 |
| Chloroform extract (per cent)-----               | 16.94 |
| Iodin number-----                                | 120.2 |

Taste, odor: Spanish, not Hungarian.

The high ash, the taste and odor show this product to be a Spanish paprika, not Hungarian. The high ether extract and the low iodine number show that an oil has been added.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, Spanish paprika containing added oil, had been substituted wholly or in part for Hungarian paprika which the article purported to be. Misbranding was alleged for the reason that the statement, to wit, "Hungarian Paprika," borne on the label, was false and misleading in that it purported and represented the article to be Hungarian paprika, whereas, in truth and in fact, it was not Hungarian paprika, but was a paprika inferior to Hungarian paprika, to wit, a Spanish paprika, containing added oil, and containing more ash than is found in Hungarian paprika, and further, in that said article was offered for sale and sold under the distinctive name of another article, to wit, Hungarian paprika, whereas, in truth and in fact, it was not Hungarian paprika, but was a paprika inferior to Hungarian paprika, to wit, Spanish paprika, and further, in that said article was labeled "Hungarian Paprika" so as to deceive and mislead the purchaser into the belief that it was a genuine Hungarian paprika, whereas it was not a genuine Hungarian paprika, but was a paprika inferior to Hungarian paprika, to wit, a Spanish paprika, containing added oil, and containing more ash than is found in Hungarian paprika.

On January 6, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.